

DYKEMA GOSSETT LLP  
Craig N. Hentschel, SBN: 66178  
*chentschel@dykema.com*  
S. Christopher Winter, SBN: 190474  
*kwinter@dykema.com*  
333 South Grand Avenue  
Suite 2100  
Los Angeles, CA 90071  
Tel.: (213) 457-1800  
Fax: (213) 457-1850

ROPES & GRAY LLP  
Laurence S. Rogers (*Pro Hac Vice*)  
*laurence.rogers@ropesgray.com*  
Ching-Lee Fukuda (*Pro Hac Vice*)  
*ching-lee.fukuda@ropesgray.com*  
1211 Avenue of the Americas  
New York, NY 10036-8704  
Tel.: (212) 596-9000  
Fax: (212) 596-9090

ROPES & GRAY LLP  
Matthew J. Rizzolo (*Pro Hac Vice*)  
*matthew.rizzolo@ropesgray.com*  
700 12th Street, NW, Suite 900  
Washington, DC 20005-3948  
Tel.: (202) 508-4600  
Fax: (202) 508-4650

Attorneys for Plaintiff  
Spark Networks USA, LLC

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

SPARK NETWORKS USA, LLC,

*Plaintiff,*

v.

HUMOR RAINBOW, INC. and  
ZOOSK, INC.,

*Defendants.*

Case No. 2:11-CV-01430 JHN (JEM)

**DECLARATION OF  
MATTHEW J. RIZZOLO**

1 I, Matthew J. Rizzolo, hereby declare as follows:

2 1. I am an associate with the law firm of Ropes & Gray LLP, and  
3 one of the attorneys for Plaintiff Spark Networks USA, LLC (“Spark”) in this  
4 action.

5 2. I submit this declaration in support of Spark’s Memorandum in  
6 Opposition to Defendants’ Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6),  
7 filed concurrently herewith. Except where explicitly stated otherwise, I have  
8 personal knowledge of the statements made herein.

9 3. Attached as Exhibit A is a true and correct copy of Sudai et al.,  
10 U.S. Patent No. 5,950,200 (“the ’200 patent”).

11 4. Attached as Exhibit B is a true and correct copy of the  
12 prosecution history of the ’200 patent.

13 5. Attached as Exhibit C is a true and correct copy of Herz et al.,  
14 U.S. Patent No. 5,754,939, which was cited as prior art during the prosecution of  
15 the ’200 patent.

16 6. Attached as Exhibit D are true and correct copies of the title  
17 page, the copyright page, and certain additional pages from the Microsoft Press  
18 Computer Dictionary (3d ed. 1997).

19 7. Attached as Exhibit E are true and correct copies of the title  
20 page, the copyright page, and certain additional pages from Random House  
21 Webster’s Computer & Internet Dictionary (3d ed. 1998).

22 8. Attached as Exhibit F is a true and correct copy of portions of  
23 Chapters 700 and 2100 of the Manual of Patent Examining Procedure (6th ed.,  
24 rev. 3, July 1997) relating to the examination of patents for compliance with 35  
25 U.S.C. § 101.

26 9. Attached as Exhibit G is a true and correct copy of the United  
27 States District Court for the Central District of California’s February 8, 2011  
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1 Order Denying Defendants' Motion for Summary Judgment of Invalidity Based  
2 On Lack of Patentable Subject Matter and Granting Plaintiff's Motion to Stay  
3 Pending Reexamination in *Big Baboon, Inc. v. Dell, Inc.*, No. 2:09-cv-01198 (dkt.  
4 no. 384).

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13 I declare under penalty of perjury that the foregoing is true and  
14 correct.

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16 Executed this 13th day of June 2011.

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20 Matthew J. Rizzolo  
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Declaration of Matthew J. Rizzolo  
Case No. CV-11-01430 JHN (JEM)